

REMARKS/ARGUMENTS

The Examiner is thanked for extending the courtesy of an interview to Applicant's representative on July 18, 2007.

Reconsideration and allowance of this application are respectfully requested. Currently, claims 3-5, 7-13, 17-18 and 20-29 are pending in this application.

Rejections Under 35 U.S.C. §102 and §103:

Claims 2, 6, 16 and 19 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Iwatani et al. Claim 14 was rejected under 35 U.S.C. §103 as allegedly being unpatentable over Iwatani et al in view of Ajima. Claims 2, 6, 14, 16 and 19 have been canceled, thereby rendering these rejections moot.

Rejections Under 35 U.S.C. §112, Second Paragraph:

Claims 2-14 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicant respectfully traverses this rejection.

The Office Action alleges that "the specification does not clearly recite the difference between a 'pre-start state' and a 'vehicle state'; it is thus unclear how the pre-start detecting means and the vehicle state detecting means perform different functions." However, the Office Action then provides the following assumptions: "a 'pre-start state' is the vehicle state just prior to starting of the engine; that a 'preparation operation for start of the engine' can be any act performed by the user on the vehicle or a part of the vehicle prior to starting of the engine; and that the difference between the pre-start state detecting means and the vehicle state detecting means is that the pre-start state detecting means is intended to function only during the time prior to the engine starting, whereas

the vehicle state detecting means constantly functions.” The Examiner’s assumptions appear to be correct insofar as the pre-start state is a vehicle state prior to starting of the engine, and the preparation operation for the start of the engine is an act performed on the vehicle or a part of the vehicle prior to starting of the engine. As described on page 5 of the substitute specification, these act(s) performed on the vehicle or part of the vehicle prior to the starting of the engine may include, but are not limited to, ignition switch is turned, vehicle key is inserted, door-lock of the vehicle is driven, vehicle door knob is opened, vehicle door is opened, and/or vehicle driver is seated. The Examiner’s assumption regarding the difference between the pre-start state detecting means and the vehicle state detecting means appears to be substantially correct insofar as the pre-start state of the pre-start state detecting means can only be a state during “the time prior to the engine starting.” In contrast, the vehicle state detected by a vehicle state detecting means which “constantly functions” is not limited to a time prior to starting of the engine. Vehicle states which are not limited to a time prior to starting of the engine include vehicle states obtained while the engine is running such as, for example, a vehicle speed, an engine rotation speed, an amount of air drawn into the engine, a pressure detected in an exhaust path, an opening degree of an accelerator, an opening degree of a throttle, deceleration, a clutch pedal depression, a cooling water temperature and an air-fuel ratio. (See signal generators 21-30 of Fig. 1 and page 4, lines 1-13 of the substitute specification as well as dependent claim 4).

It is thus clear that the vehicle state detecting means and the pre-start state detecting means have different functions. This difference in functions can clearly be

appreciated from the specifically identified (and different) functions recited in the claim language itself. Namely, the “pre-start state detecting means” has the function of “detecting a pre-start state by detecting a preparation operation for a start of the engine...”, whereas the “vehicle state detecting means” has the function of “detecting a vehicle state.”

Accordingly, Applicant respectfully submits that all pending claims are in full conformance with 35 U.S.C. §112, second paragraph.

Allowable Subject Matter:

The Office Action held that claims 3-5 and 7-13 would be allowable if rewritten in independent form and the rejections under 35 U.S.C. §112, second paragraph, were overcome. Claims 3, 7, 8 and 10 have been rewritten in independent form. Claims 12-13 were already re-written in independent form via the Amendment filed January 5, 2007. Independent claims 3, 7, 8, 10, 12 and 13 and their respective dependents are thus allowable.

The Office Action also held that claims 17-18 and 20-29 would be allowable if rewritten in independent form. Claims 17, 20, 22 and 24-29 have been rewritten in independent form. Independent claims 17, 20, 22 and 24-29 and their respective dependents are thus allowable.

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Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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